

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:10cv251**

<b>ANITA GADDY ALLEN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b><u>ORDER</u></b>
<b>MICHAEL J. ASTRUE,</b>	)	
<b>Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the Court on Plaintiff's Motion for Leave to File Motion for Summary Judgment and Memorandum in Support Thereof Out of Time [Doc. 11].

This Court's Scheduling Order set the due date for these at March 24, 2011. [Doc. 8]. Plaintiff has not only failed to meet that deadline, but her counsel has failed to realize it for seven additional days. Neither the excuse counsel offers in his motion [Doc. 11] nor the experience of his missing a deadline are new to this Court.

Repeatedly missing deadlines in this manner interferes with the efficient administration of this Court's business. This Court has, in other

matters, imposed a fine of \$50 per day to correct consistent failures to comply with deadlines. In this instance, a fine imposed on this basis would amount to \$350.00. However, in the Court's discretion, in the interest of encouraging compliance with the Court's deadlines and better practice on the part of counsel, that fine will be limited to \$100.00. The fine is against counsel and not against the Plaintiff, and is not a finding of contempt. Counsel shall clearly understand that this Court's deadlines are not mere suggestions, and that future failures to meet deadlines will likely result in counsel's being assessed a fine of \$50 per day.

As to the substance of Plaintiff's motion, it is granted, and her Motion for Summary Judgment and Memorandum in support thereof [Docs. 10 & 11] are accepted.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion [Doc. 9] is allowed and her simultaneous filings are accepted.

**IT IS FURTHER ORDERED** that Plaintiff's counsel, Stanford K. Clontz, is assessed a fine of \$100.00, payable to the Clerk of this Court, and to be paid on or before April 15, 2011.

Signed: April 4, 2011

**IT IS SO ORDERED.**



Martin Reidinger  
United States District Judge

